

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6660 of 2015

1. Girish Kumar Dholakiya S/o Mansukh Lal Dholakiya, Aged About 55 Years R/o Laxmibadi, Gali No. 3, Bhaktinagar, District - Rajkot (Gujrat)
2. Chiman Datani, S/o Vallabh Das Datani, Aged About 50 Years R/o Chikata, Police Station - Navibander, District - Porbander Bhaktinagar Rajkot (Gujrat).

--- Petitioners

Versus

- State of Chhattisgarh S/o Through : Station House Officer, Police Station - Durgukondal, District - North Bastar Kanker (Chhattisgarh)

--- Respondent

MCRC No. 6849 of 2015

- Rajni Bai Vinod Tyagi W/o Vinod Tyagi Aged About 40 Years R/o Village- Jay Ambe Nagar, Mandewadi, Near Power House, Nagpur, Kumhartola, Nagpur, Police Station-Kalmana, District- Nagpur (Maharashtra).

--- Petitioner

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Station- Durgukondal, District- North Bastar Kanker (Chhattisgarh).

--- Respondent

For the applicant	:	Mr. D. N. Prajapati, Advocate
For the Respondent	:	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.12.2015

1. These are two bail applications filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 22/2014 registered at P.S. Durgukondal, Distt. North Bastar, Kanker (C.G) for the offence punishable under Sections 365, 366, 368, 370(3), 376, 384, 506/34 IPC.
2. As per the prosecution case, on 29.01.2014 the prosecutrix

was allured by Ganesh @ Ajay Sharma and was taken to to Rewadi (Haryana) where she was kept in the house of Ganesh and she was forcibly committed sexual intercourse by him. Thereafter, she was taken to the house of his friends namely Viru, Jitendra and Lalchandra where she stayed for a week and again she was subjected to sexual intercourse by Ganesh @ Ajay Sharma. Thereafter Ganesh took her to Nagpur by train and she was left at Nagpur Railway Station where Deepa Bai met her and she was forcibly kept in the house of Deepa Bai at Nagpur. Deepa's husband Sonu contacted with Rajni Bai. It is alleged that Deepa Bai has purchased the prosecutrix for Rs.35,000/- and sold her to Piyush and Omprakash for Rs.85,000/-. Thereafter Sonu, Harikishan, Piyush and Prakash have taken the prosecutrix to Surat where she stayed in the house of Prakash. Piyush married her on 04.03.2014 and he committed forcible sexual intercourse with her for 2 – 3 months and she became pregnant. When she returned to the house of her parents, her pregnancy was aborted. It is alleged that Chiman Bhai is dealing in women trafficking.

3. Learned counsel for the applicant submits that no case is made out against this applicants as there is no evidence to connect the present applicants with the crime and one of the accused Piyush performed marriage with prosecutrix. He further submits that co-accused Piyush, Prakash and Ganesh have been acquitted in Sessions Trial No.19/2014 and co-accused Jitendra has been granted bail by this Court, therefore, the case of the present applicants falls similar similar to that co-accused who were acquitted or granted bail.

4. Per contra, learned State Counsel opposes the bail.

5. According to the statement of Shailendri, the victim was sold to Rajni by Deepa and Rajni Bai sold her to Girish wherein Chiman Datani has acted as a mediator. He further submits that the applicants were absconding and therefore, he may not be enlarged on bail.
6. Having regard to the fact that the applicants were absconding when the trial was going and looking to the nature of allegations against these applicants that they intermeddled in sale of victim and further taking into fact that after the accused have been acquitted by the Court below accused Jitendra has been released on bail and the case of Jitendra appears to be different from that of the present applicants and further considering the statement of Shailendri, I am not inclined to release these applicants on bail accordingly, their bail applications are dismissed.
7. The trial Court is requested to expedite the trial.

**Sd/-
GOUTAM BHADURI
JUDGE**